

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER**DO NOT WRITE IN THIS SPACE**

Case

04-CA-146101

Date Filed

2/9/15

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1 EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer (1) Jo-Dan Enterprises d/b/a McDonald's, and/or (2) Jo-Dan Madalisse d/b/a McDonald's, and (3) McDonald's USA, LLC as Joint or Single Employer		b. Tel. No. 215-228-8336
d. Address (Street, city, state, and ZIP code) (1) & (2) 1201 Broad St Philadelphia 19137 (2) McDonald's USA, LLC, One McDonald's Plaza, Oak Brook IL, 60523		c. Cell No.
e. Employer Representative (1) & (2) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (2) Gloria Santona		f. Fax No.
i. Type of Establishment (factory, mine, wholesaler, etc.) Restaurant		g. e-Mail
j. Identify principal product or service Food service		h. Number of workers employed (1) Approx. 60

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3) _____ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

See attached

3. Full name of party filing charge (if labor organization, give full name, including local name and number)
Pennsylvania Workers Organizing Committee, a Project of the Fast Food Workers Committee

4a. Address (Street and number, city, state, and ZIP code) Pennsylvania Workers Organizing Committee c/o Jess Burgan, 32BJ 1515 Market St Suite 1000 Philadelphia PA 19102	4b. Tel. No. (b) (6), (b) (7)(C)
	4c. Cell No.
	4d. Fax No.
	4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)
Pennsylvania Workers Organizing Committee, a Project of the Fast Food Workers Committee**6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief

By 
(signature of representative or person making charge)

Michael J. Healey

(Print/type name and title or office, if any)

247 Ft. Pitt Blvd., 4th Floor, Pittsburgh PA 15222
Address2/4/15
(date)

Tel. No. 412-391-1428

Office, if any, Cell No.

Fax No. 412-281-9509

e-Mail
mike@unionlawyers.net**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)****PRIVACY ACT STATEMENT**Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq*. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Jo-Dan Enterprises d/b/a McDonald's, and/or Jo-Dan Madalisse LTD, LLC d/b/a McDonald's, and McDonald's USA, LLC as Joint or Single Employer

1201 N. Broad St, Philadelphia 19122

Attachment to charge

Since on or about September 1, 2014, the above-named employer, by its officers, agents and supervisors has interfered with, restrained and coerced its employees in the exercise of the rights guaranteed in Section 7 of the Act through engaging in the following acts and conduct with the goal of discouraging employees' participation in union activities and in retaliation for employees' participation in union activities, in particular, employees' participation in a one-day protected strike on September 4, 2014 and (b) (6), (b) (7)(C) 2014:

- Since on or about (b) (6), (b) (7)(C) 2014, the employer has issued disciplinary write-up's for actions that previously did not merit discipline (for example, enforcing its uniform policy more severely than before the Union campaign) and for seemingly arbitrary reasons not based in any preexisting work rule or practice;
- Since on or about December 4, 2014, the Employer has reduced work hours of pro-union employees;
- Since on or about September 1, 2014, the Employer has stated to employees that they could not wear their Union buttons to work when other non-work buttons are permitted.



Healey and Hornack, P.C.
ATTORNEYS AT LAW

Michael J. Healey
Joseph S. Hornack
Jules Lobel, OF COUNSEL

247 Fort Pitt Boulevard
4th Floor
Pittsburgh, PA 15222
PHONE: 412.391.7711
TOLL FREE: 888.391.6944
FAX: 412.281.9509

Direct Dial: 412-391-1428
mike@unionlawyers.net

February 5, 2015

Dennis Walsh
Regional Director,
c/o Jennifer Spector
NLRB Region 4
615 Chestnut Street
Philadelphia, PA. 19106-4404

RE: Jo-Dan Enterprises d/b/a McDonald's et al
and Micale Family LP, d/b/a McDonald's et. al.

Dear Mr. Walsh:

Enclosed please find for your consideration and processing an original and 4 copies of two sets of unfair labor practice charges. Each involves the McDonald's parent, though each charge involves a different franchise. The charges relate to an aspect in Philadelphia of what has been referred to as "fast food workers strikes/organizing". The charges are self-explanatory and are detailed in the narrative attached to each of the charges.

There are a limited number of witnesses who have facts relevant to the allegations who can be produced for interviews. Ceilidh Gao will be the contact person, and will coordinate times for interviews, and get witnesses to your office. Her phone number is 202-286-5502, and she is copied on this letter and the charge.

Please have your staff contact me at your earliest convenience and we can begin making arrangements to set up interviews. Copies of this charge have been served on the respondent(s) at the addresses noted on the charge.

I would anticipate wishing to file a brief position statement towards the end of the investigation in this matter . Please have a member of your staff contact me or Ms. Gao at their earliest convenience.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Michael Healey', written over a horizontal line.

Michael Healey
Attorney for Charging Party

Enclosures: Multiple

cc: Gloria Santona
(b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 4
615 Chestnut St Ste 710
Philadelphia, PA 19106-4413

Agency Website: www.nlr.gov
Telephone: (215)597-7601
Fax: (215)597-7658



Download
NLRB
Mobile App

February 10, 2015

(b) (6), (b) (7)(C)

Jo-Dan Enterprises d/b/a McDonald's
1201 Broad Street
Philadelphia, PA 19137

(b) (6), (b) (7)(C)

Jo-Dan Madalisse d/b/a McDonald's
1201 Broad Street
Philadelphia, PA 19137

Gloria Santona
McDonald's USA, LLC
One McDonald's Plaza
Oak Brook, IL 60523

Re: (1) Jo-Dan Enterprises d/b/a McDonald's,
and/or (2) Jo-Dan Madalisse d/b/a
McDonald's and (3) McDonald's USA, LLC
Joint or Single Employer
Case 04-CA-146101

Dear (b) (6), (b) (7)(C), Ms. Santona:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney DEENA E. KOBELL whose telephone number is (215)597-7650. If this Board agent is not available, you may contact RICHARD P. HELLER whose telephone number is (215)597-7633.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored

February 10, 2015

relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

(1) Jo-Dan Enterprises d/b/a McDonald's, - 3 -
and/or (2) Jo-Dan Madalisse d/b/a
McDonald's and (3) McDonald's USA, LLC
Joint or Single Employer
Case 04-CA-146101

February 10, 2015

We can provide assistance for persons with limited English proficiency or disability.
Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Dennis P. Walsh". The signature is written in a cursive, flowing style.

DENNIS P. WALSH
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

(1) Jo-Dan Enterprises d/b/a McDonald's, and/or (2) Jo-Dan Madalisse d/b/a McDonald's and (3) McDonald's USA, LLC Joint or Single Employer

CASE NUMBER

04-CA-146101

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$

YES NO

B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.

I. Did you begin operations within the last 12 months? If yes, specify date: _____

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**(1) JO-DAN ENTERPRISES D/B/A
MCDONALD'S, AND/OR (2) JO-DAN
MADALISSE D/B/A MCDONALD'S AND (3)
MCDONALD'S USA, LLC JOINT OR SINGLE
EMPLOYER**

Case 04-CA-146101

Charged Party

and

**PENNSYLVANIA WORKERS ORGANIZING
COMMITTEE, A PROJECT OF THE FAST
FOOD WORKERS COMMITTEE**

Charging Party

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on February 10, 2015, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)
Jo-Dan Enterprises d/b/a McDonald's
and Jo-Dan Madalisse d/b/a McDonald's
1201 Broad Street
Philadelphia, PA 19137

Gloria Santona
McDonald's USA, LLC
One McDonald's Plaza
Oak Brook, IL 60523

February 10, 2015

Date

Janet T. Jackson
Designated Agent of NLRB

Name

/s/ Janet T. Jackson

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 4
615 Chestnut St Ste 710
Philadelphia, PA 19106-4413

Agency Website: www.nlrb.gov
Telephone: (215)597-7601
Fax: (215)597-7658



Download
NLRB
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February 10, 2015

Pennsylvania Workers Organizing Committee,
a Project of the Fast Food Workers Committee
c/o Jess Burgan, 32BJ
1515 Market St., Ste. 1000
Philadelphia, PA 19102

Re: (1) Jo-Dan Enterprises d/b/a McDonald's,
and/or (2) Jo-Dan Madalisse d/b/a
McDonald's and (3) McDonald's USA, LLC
Joint or Single Employer
Case 04-CA-146101

Dear Mr. Burgan:

The charge that you filed in this case on February 09, 2015 has been docketed as case number 04-CA-146101. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney DEENA E. KOBELL whose telephone number is (215)597-7650. If this Board agent is not available, you may contact RICHARD P. HELLER whose telephone number is (215)597-7633.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board

(1) Jo-Dan Enterprises d/b/a McDonald's, - 2 -
and/or (2) Jo-Dan Madalisse d/b/a
McDonald's and (3) McDonald's USA, LLC
Joint or Single Employer
Case 04-CA-146101

February 10, 2015

agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Dennis P. Walsh". The signature is written in a cursive, flowing style.

DENNIS P. WALSH
Regional Director

cc: Michael J. Healey, Esquire
Healey & Hornack, P.C.
247 Fort Pitt Blvd.
4th Floor
Pittsburgh, PA 15222

From: [Heller, Richard P.](#)
To: [Kobell, Deena E.](#); [Peterson, Jane D.](#)
Cc: [Maier, Harold A.](#)
Subject: McDonald's charge -- new location
Date: Tuesday, February 10, 2015 10:06:06 AM
Attachments: [hmaier-20153410073450.PDF](#)

Basic Instructions:

Assigning Supervisor: Open the pdf attachment to the ARD's email, fill out the attached NxGen slip (using the Adobe typewriter function), and click save. Then forward the ARD's email to the assigned agent and docketing clerk along with any appropriate amplifying comments. Assume the docketing clerk is Jane Peterson unless a different person is noted in the original ARD email.

Assigned Agent: (1) Read the comments made by the ARD and supervisor concerning the handling of this case and begin the investigation promptly by contacting the charging party/petitioner. There is no need to wait until docketing is completed or you receive the paper file.

(2) Once you receive from the dockets section the docketed charge/petition showing the case number, please upload the ARD-Supervisor-Agent email into the NxGen Investigation Action. Use document subtype: Regional Office Internal Emails on Case Processing (EMI) and describe the document as: Assignment email chain.

Additional Information:

This charge or petition is being docketed using a paperless procedure. The subject line for each new filing will have the following format: "new filing – charge (petition) assigned to your team "case name."" You have received a pdf copy of the filing along with a NxGen slip. The NxGen slip has the case name, assigned supervisor, IA category and 10(j) potential marked. If it is a representation case, the hearing date will be noted on the NxGen sheet. Using the Adobe typewriter function, the supervisor should type in the name of the agent, number of 8(a)(3)/8(b)(2) discriminatees (if known), and the status of bargaining. Be sure to click "save" on the document before forwarding it to the agent and dockets. Outlook keeps a copy in your Sent Items folder that you can use for future reference.

To aid you, each new filing which has a NxGen history will be followed by a second email which will have the name of the case in the subject line. This second email will be an Excel spreadsheet which reflects the NxGen history of other related cases and their status. If any columns of the spreadsheet are not fully visible, you are able to adjust them as you would any spreadsheet.

If you do not know how to use the Adobe typewriter function please see the ARD.

Notes:

- 1) The reason for the standardization of the information in the subject line is to allow you to set up rules in your Outlook system which may assist you in organizing these emails. For information on setting up such rules, please contact FX Joanne Sacchetti.
- 2) I will also enter notes in the initial email such as if an agent previously had related cases, NIB/1st contract warning, obviously needed amendments, etc. Mostly, it will be the information you would have seen on the yellow slip.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

FORM EXEMPT UNDER 44 U.S.C. 3512

DO NOT WRITE IN THIS SPACE

Case

Date Filed

2/9/15

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1 EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a Name of Employer (1) Micale Family LP d/b/a McDonald's and (2) McDonald's USA, LLC as joint or single employer		b Tel No 215-222-6266
		c Cell No
		f Fax No.
d Address (Street, city, state, and ZIP code) (1) 3935 Walnut Street, Philadelphia PA 19104 (2) One McDonald's Plaza, Oak Brook IL, 60523	e Employer Representative (1) (b) (6), (b) (7)(C) (2) Gloria Santona	
		g e-Mail
		h Number of workers employed
i Type of Establishment (factory, mine, wholesaler, etc.) Restaurant	j Identify principal product or service Fast Food	

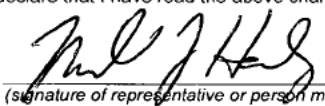
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2 Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)
See attached

3 Full name of party filing charge (if labor organization, give full name, including local name and number)
Pennsylvania Workers Organizing Committee, a project of the Fast Food Workers Committee

4a Address (Street and number, city, state, and ZIP code) c/o Jess Burgan, 32BJ 1515 Market St Suite 1000 Philadelphia PA 19102	4b Tel No (b) (6), (b) (7)(C)
	4c Cell No
	4d Fax No
	4e e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)
Pennsylvania Workers Organizing Committee, a project of the Fast Food Workers Committee

6 DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief		Tel No 412-391-1428
By  (signature of representative or person making charge)	Michael J. Healey (Print/type name and title or office, if any)	Office, if any, Cell No
		Fax No 412-281-9509
247 Ft. Pitt Blvd., 4th Floor, Pittsburgh, PA 15222 Address		e-Mail mike@unionlawyers.net
		2/4/15 (date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed Reg 74942-43 (Dec 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

- (1) Micale Family LP d/b/a McDonald's and (2) McDonald's USA, LLC as joint or single employer

Attachment to Charge

In the last six months, the above-named employer, by its officers, agents and supervisors, has interfered with, restrained and coerced its employees in the exercise of rights guaranteed in Section 7 of the Act. Specifically, the Employer has engaged in the following acts:

1. On or about (b) (6), (b) (7)(C) 2014 and (b) (6), (b) (7)(C) 2015, threatening workers with termination if they participated in union/protected concerted activity.
2. On (b) (6), (b) (7)(C) 2015, sending home (b) (6), (b) (7)(C) and removing (b) (6), (b) (7)(C) from the schedule in retaliation for (b) (6), (b) (7)(C) union/protected concerted activity and in order to discourage other employees from participating in union/protected concerted activity.
3. On (b) (6), (b) (7)(C) 2015, through agents (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), engaging in a retaliatory one-on-one meeting regarding workplace policies, impliedly threatening further discipline, issuing a disciplinary form in retaliation for union activity, stating that employees were not permitted to discuss the union at work and stating that discussing the union at work was grounds for termination.

NEXTGEN *Docketing* Slip

Case Name	Case Number: 04-CA-
Agent: Kobell	Supervisor:

C Cases:

Impact Category (circle one) 1 2 3 Potential 10(j)? ___ Yes ___ No ___ Unknown No. of 8(a)(3)/8(b)(2) Discriminatees <u>1</u>	Case Group (related cases) a Existing Identify at least 1 case number from existing case group _____ b New Provide all case numbers to create new case group _____
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From: [Heller, Richard P.](#)
To: [Kobell, Deena E.](#); [Peterson, Jane D.](#)
Cc: [Maier, Harold A.](#)
Subject: new jo-dan charge
Date: Tuesday, February 10, 2015 10:09:12 AM
Attachments: [hmaier-20155510075524.PDF](#)

Case Name: (1) Jo-Dan Enterprises d/b/a McDonald's, and/or (2) Jo-Dan Madalisse d/b/a McDonald's and (3) McDonald's USA, LLC Joint or Single Employer
Case No.: 04-CA-146101
Agent: Field Attorney, DEENA E. KOBELL

CASEHANDLING LOG

[illegible]

FILE MEMO 2/10/15:

I called Gao

(b) (5), (b) (6), (b) (7)(C)

(b) (5), (b) (6), (b) (7)(C)

(b) (5), (b) (6), (b) (7)(C)

(b) (5), (b) (6), (b) (7)(C)

From: [Kobell, Deena E.](#)
To: mike@unionlawyers.net; (b) (6), (b) (7)(C); [Ceilidh Gao](#)
Subject: Deadline for Presentation of Evidence for New McDonald's Charges
Date: Tuesday, February 10, 2015 6:07:00 PM
Attachments: [Feb10HealeyCooperationLetter.pdf](#)
Importance: High

Dear Mr. Healey,

Please see attached time-sensitive letter.

Regards,

Deena E. Kobell
Senior Field Attorney
National Labor Relations Board - Region Four
One Independence Mall
615 Chestnut Street, 7th Floor
Philadelphia, PA 19106
(215)597-7650 (direct dial)
215.597.7658 (FAX)
deena.kobell@nrlrb.gov (email)



United States Government
NATIONAL LABOR RELATIONS BOARD
Region Four
615 Chestnut Street - Seventh Floor
Philadelphia, PA 19106-4404

Telephone: (215) 597-7650
Fax: (215) 597-7658
Email: deena.kobell@nlrb.gov

VIA EMAIL MAIL

February 10, 2015

Michael J. Healey, Esquire
Healey & Hornack, P.C.
247 Fort Pitt Blvd, 4th Floor
Pittsburgh, PA 15222

Re: Jo-Dan Enterprises d/b/a McDonald's
and/or Jo-Dan Mandalisse d/b/a
McDonald's and McDonald' USA, LLC
as Joint or Single Employer
Case 04-CA-146101

Micale Family LP d/b/a McDonald's and
McDonald's UA, LLC as joint or
single employer
Case 04-CA-146147

Dear Mr. Healey:

As you know, I am the Board Agent who is assigned to investigate the above-captioned charges, which you filed on February 9, 2015, without supporting documentation. The charges allege the following:

Case 04-CA-146101: the Employer(s), Micale Family LP and McDonald's USA, violated Section 8(a)(1) and (3) of the Act by: 1) in or about (b) (6), (b) (7)(C) 2014 and (b) (6), (b) (7)(C) 2015, threatening employees with termination if they participated in union and protected activities; 2) on or about (b) (6), (b) (7)(C) 2015, sending home and removing from the schedule (b) (6), (b) (7)(C); and 3) on or about (b) (6), (b) (7)(C) 2015, through (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C), (a) engaging in a retaliatory one-on-one meeting about workplace policies, (b) impliedly threatening discipline, (c) issuing discipline in retaliation for union activity, and (d) telling employees that they were not permitted to discuss the Union at work, and that doing so was grounds for termination.

Case 04-CA-146147: the Employer(s), Jo-Dan Enterprises, Jo-Dan Mandalisse and McDonald's USA, violated Section 8(a)(1) and (3) of the Act by: 1) on or about (b) (6), (b) (7)(C) 2014, issuing discipline for actions that previously did not warrant discipline such as enforcing its uniform policy; 2) since (b) (6), (b) (7)(C) 2014, reducing the hours of pro-Union employees; and 3) since September 1, 2014, telling employees that they could not wear their Union buttons to work while allowing non-Union buttons.

As the Charging Party, it is your obligation to present evidence in support of your charge. Immediately after receiving the charge this morning, I called Law Fellow Ceilidh Gao to schedule times for me to meet with your witnesses. **As I told Ms. Gao, the deadline for the submission of your evidence in support of the charges, including witness statements, is Tuesday, February 17, 2015.** I am available tomorrow, February 11 (12:00 pm - 6:30 pm) and on February 17 (8:30 am - 11:30 am and 1:00 pm – 6:30 pm). Please confirm with me as soon as possible which times work for you. Please note that due to the organizing context in which your case arises, it is considered a high priority matter and will be investigated expeditiously. Thus, if you have not presented your evidence by that date, I may recommend to the Regional Director that your case be dismissed for a lack of cooperation.

Very truly yours,

/s/ Deena E. Kobell
DEENA E. KOBELL
Senior Field Attorney

From: [Kobell, Deena E.](#)
To: "(b) (6), (b) (7)(C)"
Cc: mike@unionlawyers.net; [Ceilidh Gao](#)
Subject: RE: Deadline for Presentation of Evidence for New McDonald's Charges
Date: Wednesday, February 11, 2015 8:06:00 AM

(b) (6), (b) (7)(C)

Yes, I can see (b) (6), (b) (7)(C) at noon. Please confirm ASAP so that I can schedule my day accordingly. Please also let me know when you will be bringing your other witnesses.

Deena Kobell

From: (b) (6), (b) (7)(C)
Sent: Wednesday, February 11, 2015 12:29 AM
To: Kobell, Deena E.
Cc: mike@unionlawyers.net; [Ceilidh Gao](#)
Subject: Re: Deadline for Presentation of Evidence for New McDonald's Charges

Hi Deena,

is noon still available? (b) (6), (b) (7)(C) phone was off all day and I just now heard from (b) (6), (b) (7)(C) says the earlier the better, so hopefully we can work something out.

it's very difficult for us to schedule workers when there are only two options though, especially when one of the two options is the following day. their schedules change every week and sometimes it is difficult to get ahold of them.

best,
(b) (6), (b) (7)(C)

On Tuesday, February 10, 2015, Kobell, Deena E. <Deena.Kobell@nrlrb.gov> wrote:

Dear Mr. Healey,

Please see attached time-sensitive letter.

Regards,

Deena E. Kobell
Senior Field Attorney
National Labor Relations Board - Region Four
One Independence Mall
615 Chestnut Street, 7th Floor
Philadelphia, PA 19106
(215)597-7650 (direct dial)
215.597.7658 (FAX)
deena.kobell@nrlrb.gov (email)

(b) (6), (b) (7)(C)

From: [Ceilidh Gao](#)
To: [Kobell, Deena E.](#)
Cc: (b) (6), (b) (7)(C); mike@unionlawyers.net
Subject: Re: Deadline for Presentation of Evidence for New McDonald's Charges
Date: Tuesday, February 17, 2015 1:11:40 PM

Hi Deena,

Micale

The threat allegations were indeed going to be supported by the other (b) (6), (b) (7)(C). Unfortunately (b) (6), (b) (7)(C) is no longer interested in being involved in the ULP. We are happy to amend the charge or withdraw those portions, whatever you might prefer. I will be in touch about the (b) (6), (b) (7)(C) issue after exploring it more.

Jo-Dan

We will withdraw and re-file at a later date.

Thanks so much,

Ceilidh

Ceilidh "Kay-Lee" Gao

Law Fellow | Service Employees International Union (SEIU)

W: 202-730-7489 | C: 202-286-5502 | ceilidh.gao@seiu.org

On Tue, Feb 17, 2015 at 10:10 AM, Kobell, Deena E. <Deena.Kobell@nrlb.gov> wrote:

(b) (6), (b) (7)(C),

Today is the deadline for the submission of evidence in both of the newer charges (04-CA-146101 and 04-CA-146147). Based upon our conversation last week, it appears that (b) (6), (b) (7)(C) is the only witness for the charge in Case 04-CA-146101 (the Jo-Dan one). If (b) (6), (b) (7)(C) is unavailable, do you wish to re-file that charge when you are ready to present your evidence?

As to Case 04-CA-146147 (Micale Family), (b) (6), (b) (7)(C) has supported all of the allegations of the charge except for the allegation that in December 2014 and January 2015, the Employer threatened employees with termination if they participated in union and protected activities. (b) (6), (b) (7)(C) did not have any evidence for such conduct in December or January until (b) (6), (b) (7)(C), when (b) (6), (b) (7)(C) said that a (b) (6), (b) (7)(C) named (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) heard (b) (6), (b) (7)(C) was fired for talking about the Union – is that what this allegation refers to or was there something else? Do you have contact information for the (b) (6), (b) (7)(C) who witnessed the alleged “harassment” by (b) (6), (b) (7)(C)? Do you have any evidence to establish that (b) (6), (b) (7)(C) at the 40th and Walnut store are statutory supervisors?

Please let me know ASAP. Thanks.

Deena E. Kobell

Senior Field Attorney

National Labor Relations Board - Region Four

One Independence Mall

615 Chestnut Street, 7th Floor

Philadelphia, PA 19106

[\(215\)597-7650](tel:(215)597-7650) (direct dial)

[215.597.7658](tel:215.597.7658) (FAX)

deena.kobell@nrlrb.gov (email)

From: (b) (6), (b) (7)(C)

Sent: Friday, February 13, 2015 1:03 PM

To: Kobell, Deena E.

Subject: Re: Deadline for Presentation of Evidence for New McDonald's Charges

hi Deena,

(b) (6), (b) (7)(C). that's all I know but (b) (6), (b) (7)(C) is preoccupied. I'll let you know when I know more.

On Thu, Feb 12, 2015 at 9:10 AM, Kobell, Deena E. <Deena.Kobell@nrlrb.gov> wrote:

Please let me know today about next Tuesday.

Deena Kobell

From: (b) (6), (b) (7)(C)
Sent: Wednesday, February 11, 2015 7:42 PM

To: Kobell, Deena E.
Cc: mike@unionlawyers.net; Ceilidh Gao
Subject: Re: Deadline for Presentation of Evidence for New McDonald's Charges

Hi all,

(b) (6), (b) (7)(C) says (b) (6), (b) (7)(C) schedule goes up tomorrow so (b) (6), (b) (7)(C) going to check and see when (b) (6), (b) (7)(C) works on Tuesday. thanks for your flexibility!

best,

(b) (6), (b) (7)(C)

On Wednesday, February 11, 2015, mindy issuer <mindy.issuer@gmail.com> wrote:

Hi, (b) (6), (b) (7)(C) will be there at noon today. Working on other witnesses but it is difficult with only the one day. Are there more possible options?

Thanks,

(b) (6), (b) (7)(C)

On Wed, Feb 11, 2015 at 8:05 AM, Kobell, Deena E. <Deena.Kobell@nrlrb.gov> wrote:

(b) (6), (b) (7)(C)

Yes, I can see (b) (6), (b) (7)(C) at noon. Please confirm ASAP so that I can schedule my day accordingly. Please also let me know when you will be bringing your other witnesses.

Deena Kobell

From: (b) (6), (b) (7)(C)
Sent: Wednesday, February 11, 2015 12:29 AM

To: Kobell, Deena E.

Cc: mike@unionlawyers.net; Ceilidh Gao

Subject: Re: Deadline for Presentation of Evidence for New McDonald's Charges

Hi Deena,

is noon still available? (b) (6), (b) (7)(C) phone was off all day and I just now heard from (b) (6), (b) (7)(C) says the earlier the better, so hopefully we can work something out.

it's very difficult for us to schedule workers when there are only two options though, especially when one of the two options is the following day. their schedules change every week and sometimes it is difficult to get ahold of them.

best,

(b) (6), (b) (7)(C)

On Tuesday, February 10, 2015, Kobell, Deena E. <Deena.Kobell@nlrb.gov> wrote:

Dear Mr. Healey,

Please see attached time-sensitive letter.

Regards,

Deena E. Kobell

Senior Field Attorney

National Labor Relations Board - Region Four

One Independence Mall

615 Chestnut Street, 7th Floor

Philadelphia, PA 19106

[\(215\)597-7650](tel:(215)597-7650) (direct dial)

[215.597.7658](tel:215.597.7658) (FAX)

deena.kobell@nrlrb.gov (email)

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(b) (6), (b) (7)(C)

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(b) (6), (b) (7)(C)

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(b) (6), (b) (7)(C)

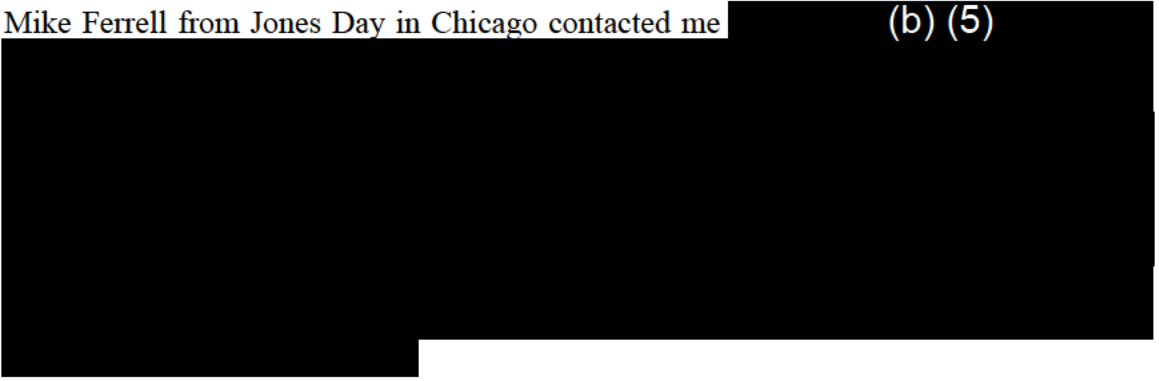
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(b) (6), (b) (7)(C)

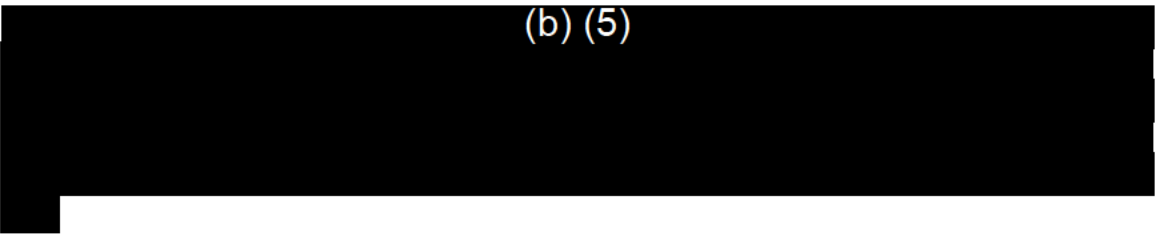
FILE MEMO 2/18/15:

Mike Ferrell from Jones Day in Chicago contacted me


(b) (5)



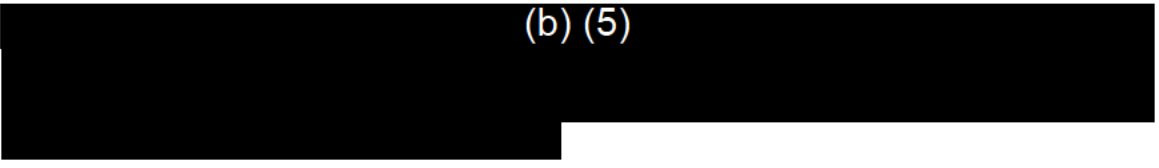
(b) (5)



(b) (5)



(b) (5)



FILE MEMO 2/13/15

Atty Joe Hirsch called

(b) (5), (b) (6), (b) (7)(C)



(b) (5)

NATIONAL LABOR RELATIONS BOARD
FOURTH REGION
ROUTING SLIP

Routing Sequence	Jo-Dan Enterprises d/b/a McDonald's and/or Jo-Dan Madalisse d/b/a McDonald's and McDonald's USA, LLC, Joint or Single Employer Case 04-CA-146101 (Category 3)	Initials	Date Forwarded
	Regional Director		
	Regional Attorney		
3	Ass't to the Regional Director	mm	2/24
	Deputy Regional Attorney		
2	Supervisor Richard P. Heller	RPH	2/24
	(If Ag Min or FIR circle below)		
1	Agent Deena E. Kobell	DEK	2/24/2015
	Compliance Officer		
4	RD Secretary		
	Compliance Assistant		
	Issuing Secretary		
	Other		

FINAL INVESTIGATIVE REPORT RECOMMENDING APPROVAL OF WRITTEN
WITHDRAWAL REQUEST

Ag Min/FIR must be eFiled upon RD's approval
(a copy in every subject file, and in the master related file, if any)

Completed: Date 2/24/15 Sec'y Initials Lym

If Withdrawal: ☐ Determination ☒ No Determination

(Check one)

(Lym)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 04
615 Chestnut St Ste 710
Philadelphia, PA 19106-4413

Agency Website: www.nlrb.gov
Telephone: (215)597-7601
Fax: (215)597-7658

February 24, 2015

(b) (6), (b) (7)(C)
Jo-Dan Enterprises d/b/a McDonald's
1201 Broad Street
Philadelphia, PA 19137

Doreen S. Davis, Esquire
Jones Day
222 E 41st Street
New York, NY 10017-6702

Michael S. Ferrell, Esquire
Andrew Madsen, Esquire
Jones Day
77 W Wacker Dr., Ste 3500
Chicago, IL 60601-1643

Re: (1) Jo-Dan Enterprises d/b/a McDonald's,
and/or (2) Jo-Dan Madalisse d/b/a
McDonald's and (3) McDonald's USA, LLC
Joint or Single Employer
Case 04-CA-146101

Dear **(b) (6), (b) (7)(C)**, Ms. Davis, Mr. Ferrell, and Mr. Madsen:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

/s/ Dennis P. Walsh

DENNIS P. WALSH
Regional Director

cc: Gloria Santona
McDonald's USA, LLC
One McDonald's Plaza
Oak Brook, IL 60523

(1) Jo-Dan Enterprises d/b/a McDonald's, - 2 -
and/or (2) Jo-Dan Madalisse d/b/a
McDonald's and (3) McDonald's USA, LLC
Joint or Single Employer
Case 04-CA-146101

February 24, 2015

Michael J. Healey, Esquire
Healey & Hornack, P.C.
247 Fort Pitt Blvd 4th Fl
Pittsburgh, PA 15222

Pennsylvania Workers Organizing
Committee, a Project of the Fast Food
Workers Committee
c/o Jess Burgan, 32BJ
1515 Market St., Ste. 1000
Philadelphia, PA 19102



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 04
615 Chestnut St Ste 710
Philadelphia, PA 19106-4413

Agency Website: www.nlrb.gov
Telephone: (215)597-7601
Fax: (215)597-7658

February 24, 2015

(b) (6), (b) (7)(C)

Jo-Dan Enterprises d/b/a McDonald's
1201 Broad Street
Philadelphia, PA 19137

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222 E 41st Street
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Re: (1) Jo-Dan Enterprises d/b/a McDonald's,
and/or (2) Jo-Dan Madalisse d/b/a
McDonald's and (3) McDonald's USA, LLC
Joint or Single Employer
Case 04-CA-146101

Dear (b) (6), (b) (7)(C), Ms. Davis, Mr. Ferrell, and Mr. Madsen:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

DENNIS P. WALSH
Regional Director

cc: Gloria Santona
McDonald's USA, LLC
One McDonald's Plaza
Oak Brook, IL 60523

(1) Jo-Dan Enterprises d/b/a McDonald's, - 2 -
and/or (2) Jo-Dan Madalisse d/b/a
McDonald's and (3) McDonald's USA, LLC
Joint or Single Employer
Case 04-CA-146101

February 24, 2015

Michael J. Healey, Esquire
Healey & Hornack, P.C.
247 Fort Pitt Blvd 4th Fl
Pittsburgh, PA 15222

Pennsylvania Workers Organizing
Committee, a Project of the Fast Food
Workers Committee
c/o Jess Burgan, 32BJ
1515 Market St., Ste. 1000
Philadelphia, PA 19102